

copy of the return postcard bearing the OIPE stamp indicating receipt by the Patent Office on the above date, is also enclosed herewith as Attachment "B".

A few months later, on June 28, 2001, applicants submitted a second IDS citing an additional 8 references. That IDS was received by the Patent Office on July 2, 2001. A copy of those papers as filed (less the references cited therein), as well as a copy of the return postcard bearing the OIPE stamp indicating receipt by the Patent Office on the above date, is also enclosed herewith as Attachment "C".

The fact that the Patent Office received three separate filings and not one appears to have been acknowledged is disconcerting to say the least. Accordingly, it is respectfully requested that consideration of the references submitted nearly three years ago be acknowledged in the next communication along with entry of the Preliminary Amendment submitted three years ago.

#### **REMARKS**

Responsive to the Official Action mailed September 16, 2003, Applicants respectfully request reconsideration in view of the following remarks. Claims 1-59, 73-77 and 91-158 are currently pending.

As an initial matter, applicants sincerely appreciate the allowance of claims 48-59, 73-77 and 91-145 and the further indication of the allowability of claims 3, 4, 6-12, 15-17, 19-32, 36-39, 46 and 47. In the interest of advancing prosecution and for completeness with respect to the Preliminary Amendment referred to above, Applicants herein presume that:

a) dependent claim 146, added by Preliminary Amendment back in 2001, will be allowed by virtue of its dependency from allowed claim 48;

b) dependent claims 150-158, added by Preliminary Amendment back in 2001, are also allowable by virtue of their dependency from the claims indicated in the Office Action as being allowable; and

c) dependent claims 147-149 should also be treated as subject to restriction by virtue of the prior Restriction Requirement.

With further regard to preceding item “c)”, based upon that presumption, in order to advance prosecution, applicants hereby acquiesce to them being treated as among the non-elected claims as if such had occurred by telephonic interview. As a result, it is hoped that the formality of a new restriction requirement directed to claims 147-149 can be avoided as unnecessary. Should greater formality be required with respect to claims 147-149, the undersigned would appreciate a telephone call from the Examiner to enable verbal reiteration of this paragraph.

*Claim Rejections*

The Office Action has rejected claims 1, 2, 5, 13, 14, 18, 33-35 and 40-45 under 35 U.S.C. §102(a) as anticipated by Yamamoto, U.S. Pat. No. 5,923,337 (“Yamamoto”). The rejection is respectfully traversed and reconsideration and withdrawal of the rejections are requested in light of the following remarks.

The Yamamoto Patent

Fundamentally, Yamamoto has, and is premised upon, having a database of predetermined animation frames, it selects a sequence of frames based upon the current parameters so as to generate the animation sequence of the character and retrieves those frames to do so. The terms “frame” and “frames” as used in Yamamoto have a well understood meaning in this art that Yamamoto does not deviate from namely, a fully composited image that is used as part of a sequence to create an animation. Thus, from its description, Yamamoto clearly pre-composites

individual entire frames, where each represents a possible state of the character(s), etc. within the frame, and stores each of those frames in the database. In addition, Yamamoto is clear that the selection is on a frame basis such that what occurs in “real time” is the selection of particular individual frames (as constrained by a state machine) in the desired ordered sequence such that the desired animation result will be achieved.

The above is, non-exhaustively, reflected in the figures of Yamamoto in Fig. 2 (the Animation Selection Module M3 referred to at Col. 7, lines 13 - 17), Fig. 3 (the Animation Frame Database 21 (emphasis added)) and Fig. 14 (the Animation Group Data Selection 15a and Animation Sequence Selector Unit 15b referred to at Col. 11, lines 41 - 53) as well as the following further, non-exhaustive, portions of the disclosure:

- a) That database has fully composited frames. See Col. 2, lines 32–35, 49–53, 65–66; Col. 3, lines 1–2, 58–61; Col. 4, lines 3–6, 16–17; Col. 13, lines 19–23; Col. 15, lines 61–64; Col. 16, lines 32–35, 62–64; Col. 17, lines 27–80; and Col. 18, lines 4–5, 26–27;
- b) That sequence of fully composited frames are selected by actions. See Col. 2, lines 40–45, 58–61; Col. 3, lines 4–8, 64–66; Col. 4, lines 11–13, 20–23; Col. 11, lines 58–60; Col. 12, lines 21–24, 53–55; Col. 13, lines 36–37; Col. 16, lines 10–13, 48–52; Col. 17, lines 9–11, 41–42; and Col. 18, lines 19–20, 40–41; and
- c) That fully composited frames are retrieved from the database. See Col. 7, lines 60–64.

In order to have a database as described, the Yamamoto approach necessarily requires that all individual frames that might be used to form a sequence each be pre composited before assembly of, or at the very least entry into, the database. In addition, any later-desired deviation or change requires creation of at least one, and likely many, new frame(s) and further requires consideration of all frames that could possibly immediately precede or follow each such new frame.

Moreover, the Yamamoto database must necessarily be constructed to comprise all possibly desired permutations and combinations of changes. Thus, with the Yamamoto approach, the overall number of frames will grow exponentially with the number of possible individual changes that can occur within a given frame due to changes in, for example, more than one character or multiple aspects of a given character.

The Instant Claims:

In contrast, the instant claims, do not claim a database of fully composited frames. Rather, the database of the claims comprises individual component elements of, for example, a character such as, for purposes of illustrative example only, different eyes (open wide, slits, closed, etc), mouths of different speech-related shapes, etc. Real-time actions using the database of the claims result in selection of appropriate individual potential component elements which, if called for “on the fly” by some action are selected and then composited with others to create a completed final frame that, in the process, becomes the next in a given sequence.

In other words, Yamamoto describes compositing of final frames prior to selection of those frames and, as described therein, even prior to database creation — whereas, with the instant claims, selection is on a potential frame component basis. Compositing into final frames only occurs after selection. Though of another way, Yamamoto conceptually has a bunch of fully drawn pages from which, by selection from among the different pages, can be used to create different flip books. In contrast, the instant invention has a database of various lines that can be selected. Thereafter, as called for, some of those lines are selected for combining together (i.e. compositing) to create an individual flip book page which, following the compositing, is inserted as the next frame in the sequence.

A significant result of the very different claimed approach is that it avoids the need for one to contemplate every possible frame that could be needed – rather, implementations corresponding to the claim allow for any given frame to be one of any potential permutation or combination of the various frame components to be combined together to create a frame (whether or not ever contemplated) unless such permutation or combination is specifically excluded from that implementation.

In light of the above, the (non-exhaustive) aspects of each claim specifically and necessarily differentiating it from Yamamoto follows.

Specific Points of Differentiation

With respect to claim 1, the Office Action asserts, *inter alia*, that Yamamoto teaches the claimed control unit. It is respectfully submitted that Yamamoto does not have the recited “control unit” because nothing in Yamamoto will “generate compositing command information for individual component elements of an animation frame” as recited in that claim. Moreover, lacking such an aspect it necessarily also can not “send the compositing command information out the output.” As noted above, the system of Yamamoto works with fully precomposed individual frames. All Yamamoto describes, in pertinent part, is selecting from among those multiple alternative individual fully composited complete frames. Since the frames are already composited before selection, it is impossible for Yamamoto to have the claimed “control unit”. The failure of a reference to satisfy even a single claim limitation is enough to overcome anticipation. Yamamoto fails to meet no less than the three noted above and, accordingly, claim 1 is allowable over Yamamoto.

Claims 2, 5 13 14 18 and 33-35 are all dependent claims, depending either directly or ultimately from claim 1. Accordingly, those claims are all allowable for the same reasons.

Moreover, those dependent claims add further aspects that in their own right provide additional and independent grounds for allowance because such aspects are also not present in Yamamoto.

For example, with respect to claim 2, that claim calls for, *inter alia*, “a compositing unit” and, moreover, one that composites “based upon the compositing command information” introduced in claim 1. Yamamoto meets neither limitation. These aspects are each a separate basis for allowance.

Claim 5 is allowable by virtue of its dependency from claim 2 for the same additional reasons. In addition, and independently, it is noted that claim 5 does not merely require a “graphics database” as implied by the Office Action. Rather claim 5 requires that the graphics database be “coupled to the compositing unit[.]” In addition, the graphic information is “stored for access by the compositing unit.” Yamamoto has no compositing unit. Hence it can not couple a graphics database to what it necessarily lacks, nor can it have “graphic information stored for access by” that missing “compositing unit.”

Claims 13 and 14 are independently allowable by virtue of direct or ultimate dependency from claim 2 for the same reasons noted above for that claim.

Claim 18 is independently allowable both based upon its dependency from claim 2 and additionally because, as noted with respect to claim 1, Yamamoto lacks the recited “control unit” and hence can not provide the recited “mouth state information” to a unit it does not have.

Claim 35 is independently allowable both based upon its dependency from claim 2 and additionally because, lacking a “compositing engine”, it necessarily lacks “instructions stored in the storage which, when executing, implements functions of a compositing engine.”

Thus, there are further independent grounds for allowance of the above dependent claims.

With respect to independent claim 40, as noted above, the Office Action is wholly incorrect with respect to Yamamoto disclosing the “compositing engine” recited in the claim. As discussed above, Yamamoto involves fully composited frames and selects from among those frames. In contrast, the instant claim specifically recites that it composites frames from graphic elements, i.e. graphic elements are components that are combined by the compositing engine to create a frame. Thus, Yamamoto completely lacks “a compositing engine coupled to the library and the controller so that when the graphic element change commands generated by the controller are received, the controller will access the library and generate composite animation frames incorporating selected graphical elements identified by the steps in the sequence based upon the graphic element change commands” as expressly set forth in the claim.

Claims 41-45 all depend either directly or ultimately from claim 40 and are therefore all allowable for the same reasons.

Moreover, aspects added by claims ultimately dependent from an above-mentioned claim provide further independent grounds for allowance because those aspects are also not disclosed in Yamamoto. For example, claim 41 recites “the library further comprises character component elements” (emphasis added). Yamamoto has no such thing. Claim 43 recites that “a change in a graphic element other than a mouth” is effected by state change information. Claim 44 recites “a change in a mouth graphic element” is effected by state change information. Yamamoto only has complete frames, it has no “graphic element” for a mouth or otherwise.

Accordingly, those claims are independently allowable in their own right for these reasons.

In summary, it is respectfully submitted that all of claims 1, 2, 5, 13, 14, 18, 33-35 and 40-45 are all distinguishable and therefore allowable over Yamamoto, without amendment, and early favorable action in that regard is respectfully requested.

**AUTHORIZATION**

In the event any additional fees are due, or extension of time is required, for consideration of this Response on the merits, applicants respectfully petition for such additional extension as would be required and authorize the Commissioner to charge any additional necessary or associated fees to Deposit Account No. 13-4500, Order No. 3801-4000US1.

Similarly, the Commissioner is authorized to credit any overpayment to Deposit Account No. 13-4500, Order No. 3801-4000US1.

Respectfully submitted,

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